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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,888	11/20/2003	Thomas R. Haynes	RPS920030178US1	9390
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SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			EXAMINER WIENER, ERIC A	
			ART UNIT	PAPER NUMBER
			2179	
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			07/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/717,888

Applicant(s)

HAYNES ET AL.

Examiner

Eric A. Wiener

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 3, 5 - 15, 18 - 27, 29 - 37, 39 - 48, 50 - 53, and 55 - 66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 5 - 15, 18 - 27, 29 - 37, 39 - 48, 50 - 53, and 55 - 66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: <u>20070627</u>                             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                           |

### **DETAILED ACTION**

1. This action is responsive to the following communications: Amendment filed on 4/30/2007.

**This action is made final.**

2. Claims 1 – 3, 5 – 15, 18 – 27, 29 – 37, 39 – 48, 50 – 53, and 55 – 66 are pending in the case. Claims 4, 16, 17, 28, 38, 49, and 54 have been cancelled.

#### ***Claim Objections***

3. Claims 24, 51, and 58 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The claims improperly claim dependency from later claims, i.e. 24 from 25, 51 from 52, and 58 from 59. Applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 – 3, 5 – 12, 14, 15, 18 – 23, 26, 27, 29 – 34, 36, 37, 39 – 44, 46 – 48, 50, 53, and 55 – 57 are rejected under 35 U.S.C. 102(b) as being anticipated by De Vorchik et al. (US 6,279,016 B1).

**As per claim 1**, De Vorchik discloses *a method for using filtering criteria in the display of file objects in a graphical user interface (GUI) (Abstract), the method comprising:*

- *displaying a plurality of selectable items responsive to user input, wherein each of the selectable items describes a different filtering criterion and corresponds to a different range of values; and wherein the different ranges of values for the selectable items are based on the file objects present in a file object set that is being filtered for display of the file objects (column 9, line 35 – column 10, line 41), wherein, for example in Fig. 10, “Agency,” “Color,” “Model,” and “Price” correspond to a plurality of selectable items describing different filtering criterion corresponding to a different range of values, and wherein attributes based on the file objects present in the file object set include, for example, color and price and therefore a range of color values and a range of price values are selectable for filtering the given set;*
- *receiving user input from a to at least one selected item of the selectable items to describe one or more filtering criteria for the display of the file objects and filtering the display of the file objects in the file object set according to the user input and the at least one selected item (column 2, lines 47 – 67).*

**As per claim 2**, and taking into account the rejection of claim 1, De Vorchik further discloses that *the user input includes an initial selection by the user of a label object displayed in*

*the GUI and associated with a particular characteristic of the file objects (column 7, lines 47 – 50).*

**As per claim 3**, and taking into account the rejection of claim 2, De Vorchik further discloses that *a menu including the plurality of selectable items is displayed after the initial selection of the label object* (column 9, lines 36 – 51).

**As per claim 5**, and taking into account the rejection of claim 3, De Vorchik further discloses that *the particular characteristic of the file objects is the size of the file objects* (column 7, lines 7 – 20), wherein the size characteristic of the file objects is disclosed by the fact that “any other data set can be used.”

**As per claim 6**, and taking into account the rejection of claim 3, De Vorchik further discloses that *the particular characteristic of the file objects is the date the file objects were created* (column 7, lines 7 – 20), wherein the date of creation characteristic of the file objects is disclosed by the fact that “any other data set can be used.”

**As per claim 7**, and taking into account the rejection of claim 3, De Vorchik further discloses that *the particular characteristic of the file objects is the date the file objects were last modified* (column 7, lines 7 – 20 and column 10, lines 11 – 19).

**As per claim 8**, and taking into account the rejection of claim 2, De Vorchik further discloses that *an input field is displayed after the initial selection of the label object, wherein the input field is operative to accept text input describing one or more filtering criteria* (column 7, lines 46 – 53).

**As per claim 9**, and taking into account the rejection of claim 3, De Vorchik further discloses that *an input field is displayed after the initial selection of the label object, the input*

*field being operative to accept text input describing one or more filtering criteria (column 7, lines 46 – 53), and wherein the input field displays a text description equivalent to the at least one selected item of the menu selected by the user (column 10, lines 11 – 18).*

**As per claim 10**, and taking into account the rejection of claim 2, De Vorchik further discloses that *the label object is a column heading object associated with a column in which information concerning a particular file object characteristic is displayed (column 6, lines 46 – 55).*

**As per claim 11**, and taking into account the rejection of claim 3, De Vorchik further discloses that *the selectable items in the displayed menu are based on the particular label object that was selected (column 10, lines 45 – 58).*

**As per claim 12**, and taking into account the rejection of claim 11, De Vorchik further discloses that *the different ranges of values for the selectable items are based on values of a characteristic of the file objects of the file object set, wherein the characteristic is associated with the selected label object (column 9, line 35 – column 10, line 41), wherein, for example in Fig. 10, a range of color values and a range of price values are selectable for filtering the given file object set, because the ranges are based on values of characteristics of the file objects of the file object set.*

**As per claim 14**, the claim is rejected on the same grounds as claim 1.

**As per claim 15**, and taking into account the rejection of claim 14, De Vorchik further discloses that *the file objects are displayed in a navigation window of the GUI (column 7, lines 7 – 9).*

**As per claim 18**, and taking into account the rejection of claim 15; the claim is rejected on the same grounds as claim 5.

**As per claim 19**, and taking into account the rejection of claim 15; the claim is rejected on the same grounds as claim 6.

**As per claim 20**, and taking into account the rejection of claim 15; the claim is rejected on the same grounds as claim 7.

**As per claim 21**, and taking into account the rejection of claim 15, De Vorchik further discloses that *the particular characteristic of the file objects is the date the file objects were last accessed* (column 7, lines 7 – 20), wherein the date of last access characteristic of the file objects is disclosed by the fact that “any other data set can be used.”

**As per claim 22**, and taking into account the rejection of claim 15; De Vorchik further discloses that *the selection of the characteristic is a selection of a label object labeling the characteristic, and wherein the label object is a column heading object associated with a column in which information concerning a particular file object characteristic is displayed* (column 6, lines 46 – 55).

**As per claim 23**, and taking into account the rejection of claim 15; De Vorchik further discloses that *the selectable items in the displayed menu are based on the particular label object that was selected, and wherein the different ranges of values for the selectable items are based on values of a characteristic of the file objects being filtered, wherein the characteristic is associated with the selected label object* (column 9, line 35 – column 10, line 41).

**As per claim 26**, the claim is rejected on the same grounds as claim 1.

**As per claim 27**, and taking into account the rejection of claim 26; the claim is rejected on the same grounds as claim 2.

**As per claim 29**, and taking into account the rejection of claim 28, De Vorchik further discloses that *the particular characteristic of the file objects is one of the following: the size of the file objects, the date the file objects were created, the date the file objects were last modified, and the date the objects were last accessed* (column 7, lines 7 – 20 and column 10, lines 11 – 19), wherein the size characteristic, date of creation characteristic, and date of last access characteristic of the file objects are disclosed by the fact that “any other data set can be used.”

**As per claim 30**, and taking into account the rejection of claim 27; the claim is rejected on the same grounds as claim 8.

**As per claim 31**, and taking into account the rejection of claim 27; the claim is rejected on the same grounds as claim 9.

**As per claim 32**, and taking into account the rejection of claim 27; the claim is rejected on the same grounds as claim 10.

**As per claim 33**, and taking into account the rejection of claim 27; De Vorchik further discloses that *a menu including the plurality of selectable items is displayed after the initial selection of the label object, and wherein the selectable items in the displayed menu are based on the particular label object that was selected* (column 9, line 35 – column 10, line 41).

**As per claim 34**, and taking into account the rejection of claim 33; the claim is rejected on the same grounds as claim 12.

**As per claim 36**, De Vorchik discloses *a system for providing filtering criteria in the display of file objects in a graphical user interface (GUI)* (Abstract and column 20, lines 28 –



29). The functions of the system, as disclosed by De Vorchik, are disclosed in the rejection of claim 1.

**As per claim 37**, and taking into account the rejection of claim 36; the claim is rejected on the same grounds as claim 2.

**As per claim 39**, and taking into account the rejection of claim 37; the claim is rejected on the same grounds as claim 29.

**As per claim 40**, and taking into account the rejection of claim 37; the claim is rejected on the same grounds as claim 8.

**As per claim 41**, and taking into account the rejection of claim 37; De Vorchik further discloses that *an input field is displayed after the initial selection of the label object, the input field being operative to accept text input describing one or more filtering criteria (column 7, lines 46 – 53), and wherein the input field displays a text description equivalent to any items selected by the user (column 10, lines 11 – 18).*

**As per claim 42**, and taking into account the rejection of claim 37; the claim is rejected on the same grounds as claim 10.

**As per claim 43**, and taking into account the rejection of claim 37; the claim is rejected on the same grounds as claims 3 and 11.

**As per claim 44**, and taking into account the rejection of claim 43; the claim is rejected on the same grounds as claim 12.

**As per claim 46**, De Vorchik discloses *a computer readable medium for allowing filtering criteria to be applied in the display of file objects in a graphical user interface (GUI)*

(Abstract and column 19, line 60 – column 20, line 7). The functions of the computer readable medium, as disclosed by De Vorchik, are disclosed in the rejection of claim 1.

**As per claim 47**, and taking into account the rejection of claim 46; the claim is rejected on the same grounds as claim 15.

**As per claim 48**, and taking into account the rejection of claim 47; the claim is rejected on the same grounds as claim 29.

**As per claim 50**, and taking into account the rejection of claim 47; the claim is rejected on the same grounds as claims 11 and 12.

**As per claim 53**, De Vorchik discloses *a system for implementing filtering criteria in the display of file objects in a graphical user interface (GUI)* (Abstract and column 20, lines 28 – 29), *the system comprising: a means for receiving a selection from a user of a characteristic of the file objects displayed in a navigation window of the GUI; a means for displaying a menu of selectable filtering criteria for the selected characteristic wherein the selectable filtering criteria includes a plurality of selectable items responsive to user input, wherein each of the selectable items describes a different filtering criterion and corresponds to a different range of values, and wherein the different ranges of values for the selectable items are based on the file objects that are being filtered for display*, wherein, for example in Fig. 10, “Agency,” “Color,” “Model,” and “Price” correspond to a plurality of selectable items describing different filtering criterion corresponding to a different range of values, and wherein attributes based on the file objects present in the file object set include, for example, color and price and therefore a range of color values and a range of price values are selectable for filtering the given set; *and a means for filtering the display of the file objects according to the filtering criteria selected by the user as*

*applied to the characteristic of the file objects* (column 4 line 66 – column 5, line 53), where the means for receiving, displaying, and filtering are the disclosed computer system, input devices, display devices, and program modules.

**As per claim 55**, and taking into account the rejection of claim 53; the claim is rejected on the same grounds as claim 29.

**As per claim 56**, and taking into account the rejection of claim 53; the claim is rejected on the same grounds as claims 10 and 11.

**As per claim 57**, and taking into account the rejection of claim 56; the claim is rejected on the same grounds as claim 12.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 13, 24, 25, 35, 45, 51, 52, and 58 – 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over De Vorchik.

**As per claims 13, 25, 35, 45, 52, and 59**, De Vorchik discloses different ranges of values for the selectable items (column 9, line 35 – column 10, line 41). In addition, De Vorchik discloses values for the selectable items based on actual values of an associated characteristic of the file objects of the file object set (column 10, lines 59 – 64). De Vorchik does not explicitly disclose that the different ranges of values for the selectable items are based on the actual values of the associated characteristics of the file objects.

However, it would have been obvious to one of ordinary skill in the art at the time of invention to take into account actual values of associated characteristics of file objects of the file object set in determining ranges of values for selectable items, because specific values to use for filtering may correspond to values within a range, and therefore a specific range to be filtered would be an obvious modification.

**As per claims 24, 51, 58, 60, and 63**, and taking into account the rejection of claims 13, 25, 35, 45, 52, and 59, it would further be obvious to one of ordinary skill in the art at the time of invention to determine the range of values to be between the highest and lowest values of the selected characteristic of the file objects being filtered, because, given a range of values determined from specific values, it would be inherent that the range would have limits corresponding to the highest actual determined value and the lowest actual determined value.

**As per claims 61, 62, 64, 65, and 66**, and taking into account the rejection of claims 13, 25, 35, 45, 52, and 59, it would further be obvious to one of ordinary skill in the art at the time of invention to include different ranges evenly divided between two extreme values that surround at

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least some of the actual values of the associated characteristic, because, given a range of values that have an upper extreme limit and a lower extreme limit, one would want to be able to filter using any range of values within the limited range, so as to get the greatest use out of the filter.

8. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

9. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

#### ***Response to Arguments***

10. Applicant's arguments filed on 4/30/2007 have been fully considered but are moot in view of the new grounds of rejection.

#### ***Conclusion***


11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eric Wiener  
Patent Examiner

  
**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**